

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PHARMASTEM THERAPEUTICS, INC.,

Plaintiff,

v.

VIACELL, INC., OBSTETRICAL AND
GYNECOLOGICAL ASSOCIATES, P.A.,
FEMPARTNERS, INC., and CARITAS ST.
ELIZABETH'S MEDICAL CENTER OF
BOSTON, INC.,

Defendants.

Civil Action No. 04-11673-RWZ

**NOTICE OF PENDING MOTION FOR CONSOLIDATION AND COORDINATION OF
PRETRIAL PROCEEDINGS IN A SINGLE FORUM**

Defendants, ViaCell, Inc.; Obstetrical and Gynecological Associates, P.A.; FemPartners, Inc.; and Caritas St. Elizabeth's Medical Center of Boston, Inc. ("defendants"), hereby give notice that a Motion to Transfer for Consolidation and Coordination of Pretrial Proceedings in a Single Forum ("Motion to Consolidate") was filed before the Judicial Panel on Multidistrict Litigation on October 26, 2004. Defendants have requested that the Judicial Panel on Multidistrict Litigation take jurisdiction of this action, as well as six other actions, presenting claims related to a series of patents held by PharmaStem Therapeutics, Inc. ("PharmaStem") and transfer them to the United States District Court for the District of Delaware (Honorable Gregory M. Sleet) for consolidation and coordination of all pretrial proceedings.¹ A copy of the Motion

¹ The six other cases involved in the Motion to Consolidate include:

- (a) *PharmaStem Therapeutics, Inc. v. ViaCell, Inc., CBR Systems, Inc. f/k/a Cord Blood Registry, Inc., Cryo-Cell International, Inc. and CorCell, Inc.*, C.A. No. 02-148-GMS (D. Del.) (Hon. Gregory M. Sleet).
- (b) *PharmaStem Therapeutics, Inc. v. CorCell, Inc., Molly McBride, M.D., and Carlo M. Croce, M.D.*, C.A. No. 04-CV-3561 (E.D. Pa.) (Hon. Robert F. Kelly).
- (c) *PharmaStem Therapeutics, Inc. v. Cord Blood Registry, Inc. d/b/a CBR and Sutter Health, Inc.*, C.A. No. 04-3072 (N.D. Cal.) (Hon. Jeffrey S. White).

to Consolidate is attached for the Court's convenience.

Respectfully submitted,

VIACELL, INC., OBSTETRICAL AND
GYNECOLOGICAL ASSOCIATES, P.A.,
FEMPARTNERS, INC., and CARITAS ST.
ELIZABETH'S MEDICAL CENTER OF
BOSTON, INC.,

By their attorneys,

/s/ John C. Englander
Paul F. Ware, Jr., P.C. (BBO # 516240)
John C. Englander, Esq. (BBO # 542532)
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Dated: October 29, 2004

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- (d) *PharmaStem Therapeutics, Inc. v. Cryo-Cell International, Inc. and Bruce Zafran, M.D.*, C.A. No. 8:04-CV-1740-T-30TGW (M.D. Fla.) (Hon. James S. Moody).
- (e) *PharmaStem Therapeutics, Inc. v. Curesource, Inc., Monica Aszerlbaum, Andrew Cassidenti, Eunice U. Lee, Carla Wells, Anita York, Eliot Romero, Kathy Anderson, Nasrin Farbakhsh, Bruce A. Hagadorn, Rahasree T. Sedhadri, Arthur Goldstein, and Charles W. Moniak*, No. SACV 04-921 (GLT) (C.D. Cal.) (Hon. Gary L. Taylor).
- (f) *ViaCell, Inc., Cryo-Cell International, Inc., and CorCell, Inc. v. PharmaStem Therapeutics, Inc.*, C.A. No. 04-1335-GMS (D. Del.) (Hon. Gregory M. Sleet).